

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION, 2007**

February 27, 2007

Mr. Speaker:

Your **BUSINESS AND INDUSTRY COMMITTEE**, to whom has been referred

HOUSE BILL 1145

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 19, after the first occurrence of "tax" insert "pursuant to Subsections A through D of Section 7-16A-2.1 NMSA 1978".
2. On page 1, line 23, after "year" insert ", or would have paid the special fuel excise tax in the taxable year but for the deductions allowed pursuant to Subsections B through F of Section 7-16A-10 NMSA 1978 or the treaty exemption for north Atlantic treaty organisation use".
3. On page 2, line 15, after "Act" insert "or for which a credit or refund has been claimed pursuant to Section 7-16A-13 NMSA 1978".
4. On page 3, line 7, after "provided" insert ", or who would have paid the special fuel excise tax but for the deductions allowed pursuant to Subsections B through F of Section 7-16A-10 NMSA 1978 or the treaty exemption for northern Atlantic treaty organisation use".
5. On page 3, between lines 10 and 11, insert the following new subsection:

"F. A taxpayer claiming a credit pursuant to this section shall provide documentation of eligibility in form and content as determined by the department."
6. Reletter the succeeding subsection accordingly.
7. On page 3, line 19, strike "five" and insert in lieu thereof "at least two".
8. On page 4, line 1, after "tax" insert "pursuant to Subsections A through D of Section 7-16A-2.1 NMSA 1978".
9. On page 4, line 5, after "year" insert ", or would have

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paid the special fuel excise tax in the taxable year but for the deductions allowed pursuant to Subsections B through F of Section 7-16A-10 NMSA 1978 or the treaty exemption for northern Atlantic treaty organisation use".

10. On page 4, line 21, after "Act" insert "or for which a credit or refund has been claimed pursuant to Section 7-16A-13 NMSA 1978".

11. On page 5, line 10, after "provided" insert "or that would have paid the special fuel excise tax but for the deductions allowed pursuant to Subsections B through F of Section 7-16A-10 NMSA 1978 or the treaty exemption for northern Atlantic treaty organisation use".

12. On page 5, between lines 13 and 14, insert the following new subsection:

"E. A taxpayer claiming a credit pursuant to this section shall provide documentation of eligibility in form and content as determined by the department."

13. Reletter the succeeding subsection accordingly.

14. On page 5, line 22, strike "five" and insert in lieu thereof "at least two".

15. On page 7, line 10, strike "all years" and insert in lieu thereof "the calendar year".

16. On page 7, between lines 16 and 17, insert the following new subsection:

"E. If a taxpayer who has received the biodiesel blending facility tax credit ceases biodiesel blending without completing at least one hundred eighty days of availability of the facility within the first three hundred sixty-five days after the issuance of the certificate of eligibility from the energy, minerals and natural resources department, any amount of approved credit not applied against the taxpayer's gross receipts tax or compensating tax liability shall be extinguished. The taxpayer must amend the taxpayer's return, self-assess the tax owed and return any biodiesel blending facility tax credit received within four hundred twenty-

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five days of the date of issuance of the certificate of eligibility.".

17. Reletter the succeeding subsections accordingly.,
and thence referred to the **TAXATION AND REVENUE COMMITTEE.**

Respectfully submitted,

Debbie A. Rodella, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against
Yes: 11
No: 0
Excused: Powdrell-Culbert, Vaughn
Absent: None

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